

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAFAEL HERNANDEZ,	)	
	)	Civil Action No. 2: 13-cv-1460
Petitioner,	)	
	)	United States Court Judge
v.	)	Arthur J. Schwab
	)	
LOUIS FOLINO, Superintendent of S.C.I.	)	
Greene, and THE ATTORNEY GENERAL	)	United States Magistrate Judge
OF THE STATE OF PENNSYLVANIA,	)	Cynthia Reed Eddy
	)	
Respondents.	)	

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on October 8, 2013, and was referred to United States Magistrate Judge Cynthia Reed Eddy for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 6], filed on October 21, 2013, recommended that the Petition [Doc. No. 4] be transferred to the Eastern District of Pennsylvania because that is the District wherein Petitioner's state court conviction was obtained. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had until November 7, 2013, to file objections. To date, no objections have been filed nor have any requests for an extension to file objections been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 12th day of November, 2013:

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus filed by Rafael Hernandez [Doc. No. 4] is transferred **FORTHWITH** to the Eastern District of Pennsylvania.

**IT IS FURTHER ORDERED** that the Report and Recommendation [ECF No. 6] is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

**SO ORDERED** this 12<sup>th</sup> day of November, 2013.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: RAFAEL HERNANDEZ  
EC-5403  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370